

House File 2748 - Enrolled

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HOUSE FILE 2748

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1 3 AN ACT
1 4 PROVIDING FOR THE RETENTION OF FEES BY LICENSING BOARDS, AND
1 5 THE BUREAU OF RADIOLOGICAL HEALTH, UNDER THE PURVIEW OF
1 6 THE IOWA DEPARTMENT OF PUBLIC HEALTH, PROVIDING FOR THE
1 7 NONTRANSFERABILITY OF SPECIFIED FEES, AND PROVIDING
1 8 EFFECTIVE DATES.
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1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 11
1 12 Section 1. Section 136C.10, Code Supplement 2005, is
1 13 amended to read as follows:
1 14 136C.10 FEES.
1 15 1. a. The department shall establish and collect fees for
1 16 the licensing and amendment of licenses for radioactive
1 17 materials, the registration of radiation machines, the
1 18 periodic inspection of radiation machines and radioactive
1 19 materials, and the implementation of section 136C.3,
1 20 subsection 2. Fees shall be in amounts sufficient to defray
1 21 the cost of administering this chapter. The license fee may
1 22 include the cost of environmental surveillance activities to
1 23 assess the radiological impact of activities conducted by
1 24 licensees.
1 25 ~~b. Fees collected shall be remitted to the treasurer of~~
~~1 26 state who shall deposit the funds in the general fund of the~~
~~1 27 state. However, the fees collected from the licensing,~~
~~1 28 registration, authorization, accreditation, and inspection of~~
~~1 29 radiation machines used for mammographically guided breast~~
~~1 30 biopsy, screening, and diagnostic mammography shall be used to~~
~~1 31 support the department's administration of this chapter and~~
~~1 32 the fees collected shall be considered repayment receipts, as~~
~~1 33 defined in section 8.2.~~
1 34 ~~e.~~ b. When a registrant or licensee fails to pay the
1 35 applicable fee the department may suspend or revoke the
2 1 registration or license or may issue an appropriate order.
2 2 Fees for the license, amendment of a license, and inspection
2 3 of radioactive material shall not exceed the fees prescribed
2 4 by the United States nuclear regulatory commission.
2 5 2. The department may establish and collect a fee related
2 6 to transporting radioactive material if the fee is used for a
2 7 purpose related to transporting radioactive material,
2 8 including enforcement and planning, developing, and
2 9 maintaining a capability for emergency response. The fees
2 10 shall be established by rules adopted pursuant to chapter 17A,
~~2 11 and shall be deposited into a special fund within the state~~
~~2 12 treasury under the exclusive authority of the department.~~
2 13 Amounts deposited in the special fund shall be considered
~~2 14 repayment receipts as defined in section 8.2, and shall not be~~
~~2 15 transferred, used, obligated, appropriated, or otherwise~~
~~2 16 encumbered except as provided in this section. Repayment~~
~~2 17 receipts collected and deposited pursuant to this section that~~
~~2 18 remain unencumbered or unobligated at the close of the fiscal~~
~~2 19 year shall not revert but shall remain available for~~
~~2 20 expenditure for the purposes designated in future fiscal~~
~~2 21 years.~~
2 22 3. The department may establish and collect fees from
2 23 persons providing mammography services to assure compliance
2 24 with applicable rules and the federal Mammography Quality
2 25 Standards Act of 1992, Pub. L. No. 102=539, as amended. Fees
2 26 shall be in an amount determined by the department by rule and
2 27 all fees collected shall be used to support the department's
2 28 mammography program.
2 29 4. Fees collected pursuant to this section shall be
2 30 retained by the department, shall be considered repayment
2 31 receipts as defined in section 8.2, and shall be used for the
2 32 purposes described in this section, including but not limited
2 33 to the addition of full-time equivalent positions for program
2 34 services and investigations. Notwithstanding section 8.33,
2 35 moneys retained by the department pursuant to this subsection
3 1 are not subject to reversion to the general fund of the state.
3 2 Sec. 2. Section 144.13A, subsection 4, paragraph a, Code
3 3 Supplement 2005, is amended by striking the paragraph and

3 4 inserting in lieu thereof the following:

3 5 a. Ten dollars of each registration fee is appropriated
3 6 and shall be used for primary and secondary child abuse
3 7 prevention programs pursuant to section 235A.1, and ten
3 8 dollars of each registration fee is appropriated and shall be
3 9 used for the center for congenital and inherited disorders
3 10 central registry established pursuant to section 136A.6.
3 11 Notwithstanding section 8.33, moneys appropriated in this
3 12 paragraph that remain unencumbered or unobligated at the close
3 13 of the fiscal year shall not revert but shall remain available
3 14 for expenditure for the purposes designated until the close of
3 15 the succeeding fiscal year, and shall not be transferred,
3 16 used, obligated, appropriated, or otherwise encumbered except
3 17 as provided in this paragraph.

3 18 Sec. 3. Section 147.13, Code Supplement 2005, is amended
3 19 by adding the following new subsections:

3 20 NEW SUBSECTION. 22. For hearing aids, hearing aid
3 21 dispenser examiners.

3 22 NEW SUBSECTION. 23. For nursing home administrators,
3 23 nursing home administrators examiners.

3 24 Sec. 4. Section 147.25, unnumbered paragraph 4, Code 2005,
3 25 is amended to read as follows:

3 26 In addition to any other fee provided by law, a fee may be
3 27 set by the respective examining boards for each license and
3 28 renewal of a license to practice a profession, which fee shall
3 29 be based on the annual cost of collecting information for use
3 30 by the department in the administration of the system of
3 31 health personnel statistics established by this section. The
3 32 fee shall be collected, ~~transmitted to the treasurer of state~~
3 33 ~~and deposited in the general fund of the state in the manner~~
3 34 ~~in which license and renewal fees of the respective~~
3 35 ~~professions are collected, transmitted, and deposited in the~~
4 1 ~~general fund retained by the respective examining boards in~~
4 2 ~~the manner in which license and renewal fees are retained in~~
4 3 ~~section 147.82.~~

4 4 Sec. 5. Section 147.80, Code Supplement 2005, is amended
4 5 by adding the following new subsections:

4 6 NEW SUBSECTION. 29A. License to practice hearing aid
4 7 dispensing, license to practice hearing aid dispensing under a
4 8 reciprocal license, or renewal of a license to practice
4 9 hearing aid dispensing.

4 10 NEW SUBSECTION. 29B. License to practice nursing home
4 11 administration, license to practice nursing home
4 12 administration under a reciprocal license, or renewal of a
4 13 license to practice nursing home administration.

4 14 Sec. 6. Section 147.82, Code Supplement 2005, is amended
4 15 by striking the section and inserting in lieu thereof the
4 16 following:

4 17 147.82 FEES.

4 18 All fees collected by an examining board listed in section
4 19 147.80 or by the department for the bureau of professional
4 20 licensure, and fees collected pursuant to sections 124.301 and
4 21 147.80 and chapter 155A by the board of pharmacy, shall be
4 22 retained by each examining board or by the department for the
4 23 bureau of professional licensure. The moneys retained by an
4 24 examining board shall be used for any of the board's duties,
4 25 including but not limited to the addition of full-time
4 26 equivalent positions for program services and investigations.
4 27 Revenues retained by an examining board pursuant to this
4 28 section shall be considered repayment receipts as defined in
4 29 section 8.2. Notwithstanding section 8.33, moneys retained by
4 30 an examining board pursuant to this section are not subject to
4 31 reversion to the general fund of the state.

4 32 Sec. 7. Section 147.103A, subsection 4, Code 2005, is
4 33 amended to read as follows:

4 34 4. Applications for a license shall be made to the
4 35 chairperson, executive director, or secretary of the board.

5 1 All examination, license, and renewal fees shall be paid to
5 2 and collected by the chairperson, executive director, or
5 3 secretary of the board, ~~who shall transmit the fees to the~~
5 4 ~~treasurer of state for deposit in the general fund of the~~

5 5 ~~state.~~ The salary of the executive director of the board
5 6 shall be established by the governor with approval of the
5 7 executive council pursuant to section 8A.413, subsection 2,
5 8 under the pay plan for exempt positions in the executive
5 9 branch of government.

5 10 Sec. 8. Section 152.3, subsection 2, Code 2005, is amended
5 11 to read as follows:

5 12 2. ~~Notwithstanding section 147.82, to~~ To collect and
5 13 receive all fees.

5 14 Sec. 9. Section 152.3, subsection 3, Code 2005, is amended

5 15 by striking the subsection.

5 16 Sec. 10. Section 152B.6, subsection 2, Code 2005, is
5 17 amended to read as follows:

5 18 2. The establishment of a system for the licensure of
5 19 respiratory care practitioners and the establishment and
5 20 collection of licensure fees. ~~The fees charged shall be
5 21 sufficient to defray the costs of administration of this
5 22 chapter and all fees collected shall be deposited with the
5 23 treasurer of state who shall deposit them in the general fund
5 24 of the state.~~

5 25 Sec. 11. Section 152D.5, subsection 4, Code 2005, is
5 26 amended to read as follows:

5 27 4. Establish a system for the collection of licensure
5 28 fees. ~~The fees charged shall be sufficient to defray the
5 29 costs of administering this chapter and all fees collected
5 30 shall be deposited with the treasurer of state who shall
5 31 deposit them in the general fund of the state.~~

5 32 Sec. 12. Section 154E.2, subsection 3, Code Supplement
5 33 2005, is amended by striking the subsection.

5 34 Sec. 13. Sections 154A.22 and 155.6, Code Supplement 2005,
5 35 are repealed.

6 1 Sec. 14. EXAMINING BOARDS == BUREAU OF PROFESSIONAL
6 2 LICENSURE == BUREAU OF RADIOLOGICAL HEALTH == NONREVERSION OF
6 3 FUNDS. Notwithstanding any provision to the contrary, and
6 4 notwithstanding section 8.33, moneys appropriated for the
6 5 fiscal year beginning July 1, 2006, and ending June 30, 2007,
6 6 to an examining board listed in section 147.80, to the bureau
6 7 of professional licensure, and to the bureau of radiological
6 8 health that remain unencumbered or unobligated at the close of
6 9 the fiscal year and repayment receipts and fees authorized to
6 10 be retained by an examining board listed in section 147.80,
6 11 the bureau of professional licensure, and the bureau of
6 12 radiological health, for the fiscal year beginning July 1,
6 13 2006, and ending June 30, 2007, shall not revert but shall
6 14 remain available for expenditure for the purposes designated
6 15 until the close of the succeeding fiscal year.

6 16 Sec. 15. EFFECTIVE DATES. The section of this Act
6 17 providing for the nontransferability of registration fees
6 18 appropriated in section 144.13A for primary and secondary
6 19 child abuse prevention programs and for the center for
6 20 congenital and inherited disorders central registry, being
6 21 deemed of immediate importance, takes effect upon enactment.

6 22 The sections of this Act relating to the addition of the
6 23 hearing aid dispenser examiners and the nursing home
6 24 administrators examiners to the list of examining boards in
6 25 section 147.13, adding those professions to the list of
6 26 examining boards contained in section 147.80, and providing
6 27 for nonreversion of certain appropriations made for, and
6 28 repayment receipts, and retained fees applicable to, the
6 29 fiscal year beginning July 1, 2006, take effect July 1, 2006.
6 30 The remaining sections of this Act take effect July 1, 2007.

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6 35 CHRISTOPHER C. RANTS
6 36 Speaker of the House

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7 5 JEFFREY M. LAMBERTI
7 6 President of the Senate

7 7 I hereby certify that this bill originated in the House and
7 8 is known as House File 2748, Eighty-first General Assembly.

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7 13 MARGARET THOMSON
7 14 Chief Clerk of the House

7 14 Approved _____, 2006

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7 19 THOMAS J. VILSACK
7 20 Governor